

The 13th March, 1972

No. 2494-ASO-Lab-72/7936.—In exercise of the powers conferred by sub-section (1) of section 85 of the Factories Act, 1948. (63 of 1948), the Governor of Haryana hereby declares that all the provisions of the said Act shall apply to every place in the State of Haryana wherein storage and distribution of Petroleum products or pumping of oil work is carried on with or without the aid of power, or is so ordinarily carried on, not with standing that—

(i) the number of persons employed therein is

less than ten, if working with the aid of powers and less than twenty if working without the aid of powers or,

(ii) the persons working therein are not employed by the owner thereof but or working with the permission of, or under agreement with, each owner.

Provided that the manufacturing process is not being carried on by the owner only with the aid of his family.

No. 2831-4Lab-72/9171.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Popular Zamindar Land & Finance Co., Panipat.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK  
Reference No. 33 of 1971

Between

THE WORKMAN SHRI RAM DIYA DHIMAN, V. & P. O. MURTHAL, TEHSIL SONEPAT, DISTRICT ROHTAK AND THE MANAGEMENT OF M/S POPULAR ZAMINDAR LAND & FINANCE CO., PANIPAT, H.O. BAHADURGARH

Present.—

Shri Ram Diya Dhiman, workman.  
Nemo, for the management.

#### AWARD

The following industrial dispute was referred to this Court for adjudication,—vide Government Gazette Notification No. ID/8208, dated 19th February, 1971.

Whether the termination of services of Shri Ram Diya Dhiman was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties. Nobody appeared on behalf of the management in spite of service and so the *ex parte* evidence of the workman was recorded. The workman has stated that he joined the respondent concern as organiser on 22nd November, 1967, and was getting Rs 200 per mensem. He has further stated that he went on two days leave and when he returned he found that the management have closed their business without any prior intimation to him. In this connection he made a report to the police copy of which is Exhibit W. 1. Under these circumstances, the workman is only entitled to compensation under the provision of section 25 FFF. According to the evidence of the workman he has been in the service of the respondent for a period of one year eight months and 10 days. Thus he is entitled to retrenchment compensation equivalent to 15 days average pay for every completed year of service or any period thereof in excess of six months and one months pay in lieu of notice. Thus the amount due to the workman come to Rs 400 I give my award accordingly. No order as to costs.

Dated the 1st March, 1972.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 344, dated Rohtak the 3rd March, 1972

Forwarded, in quadruplicate, to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 2830-4Lab-72/9174.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Standard Weaving Factory, 14/5 Mathura Road, Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 168 of 1971

*Between*

THE WORKMAN SHRI TARLOK SINGH, C/O SHRI ASHOK KUMAR, GENERAL SECRETARY,  
GENERAL ENGINEERING MAZDOOR UNION, PRESS COLONY, N.I.T., FARIDABAD AND THE  
MANAGEMENT OF M/S STANDARD WEAVING FACTORY, 14/5, MATHURA ROAD,  
FARIDABAD

*Present.—*

Nemo, for the workman.

Shri Om Parkash, for the management.

AWARD

The following industrial dispute was referred to this Court for adjudication, —*vide* GOVERNMENT GAZETTE  
Notification No. ID/FD/696-A, dated 1st September, 1971.

Whether the termination of services of Shri Tarlok Singh was justified and in order? If not, to what  
relief is he entitled?

On receipt of the reference usual notices were issued to the parties for 18th November, 1971. The management submitted a written statement that there is no dispute between the parties and the matter has been amicably settled to the entire satisfaction of the workman and a certified copy of the letter said to have been written by the workman in this connection was forwarded to this Court. On the previous date that is 24th January, 1972, Shri Ashok Kumar who represented the workman was present. He did not have any instructions from the workman regarding the alleged settlement. The case was, therefore, adjourned to 22nd February, 1972. With the direction that the workman should appear in person so that he may admit or deny the alleged settlement. Shri Adrash Kishore is present on behalf of the workman but the workman himself is not present. Shri Adrash Kishore has no instructions with regard to the alleged settlement and requested for an adjournment. There is no justification for granting any further adjournment because no reason has been given for the absence of the workman. The statement of Shri Om Parkash who represents the management has been recorded. He has produced the original letter Exhibit M.W. 1/1 which was given by the workman in which he has stated that the dispute between the parties has been settled to his entire satisfaction and he had received his full dues. Shri Om Parkash has also produced the original receipt by which the workman Shri Tarlok Singh received a sum of Rs 700 on 28th June, 1971, in full and final settlement of his claim and he further declared that he had no further claim against the respondent factory and that he had left the factory of his own accord. In view of the evidence given by the management, I hold that the termination of the services of the workman is not proved to be unjustified, and in view of the settlement arrived at between the parties, he is not entitled to any further relief. I give my award accordingly and I make no order as to costs.

Dated 3rd March, 1972.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 350, dated Rohtak, the 3rd March, 1972

Forwarded, in quadruplicate, to the Secretary to Government, Haryana, Labour and Employment  
Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 2837-4Lab-72/9176.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Jai Ambey Woollen Mills, near Police Line, Gurgaon.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 63 of 1971

*Between*

THE WORKMAN SHRI PREM CHAND, C/O GENERAL SECRETARY, ENGG. MAZDOOR  
UNION, GURGAON AND THE MANAGEMENT OF M/S JAI AMBEY WOOLLEN  
MILLS, NEAR POLICE LINES, GURGAON

*Present.—*

Shri C. B. Kaushik, for the workman.

Nemo, for the management.

## AWARD

The following industrial dispute was referred to this Court for adjudication,— *vide* Government Gazette Notification No. ID/GG/117-A-71, dated 27th May, 1971.

Whether the termination of services of Shri Prem Chand was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties for 7th July, 1971. The service of the respondent was not effected and so fresh notice was issued for 26th August, 1971. This time the service of the respondent was effected by means of a registered notice but nobody appeared on their behalf. So the *ex parte* evidence of the workman has been recorded. The workman has stated on oath that he worked as mechanic in the respondent concern for 1½ y.a.s Rs 200 per mensem. He says that his service was terminated on 2nd November, 1970 without any fault on his part because the management wanted to employ a relation of their in his place. He further says that he approached the management a number of times for being re-instated but his request was not considered. In view of the un-rebutted evidence of the workman, the termination of his services cannot be said to be justified and he is entitled to be re-instated with continuity of service and full back wages. I give my award accordingly. I make no order as to costs.

P. N. THUKRAL,

Dated 1st March, 1972.

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 346, dated Rohtak, the 3rd March, 1972

Forwarded, in quadruplicate, to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

The 16th March, 1972

No. 2877-4Lab-72/9896.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Sunder Tin Factory, Circular Road, Rohtak.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 105 of 1971

Between

THE WORKMAN SHRI JAGDISH CHANDER JAIN, C/O SH. S.N. VATS, ENGG. WORKERS UNION ROHTAK, AND THE MANAGEMENT OF M/S SUNDER TIN FACTORY, CIRCULAR ROAD, ROHTAK.

*Present.*—Sh. S.N. Vats, for the workmen.

Sh. Sunder Lal, for the respondent.

## AWARD

Sh. Jagdish Chander Jain who was in the service of M/s Sunder Tin Factory, Circular Road, Rohtak, claims that he was employed as a clerk and his services were wrongfully terminated on 28th October, 1970, without disclosing to him any reason. Accordingly he raised an industrial dispute under section 2-A of the Industrial Disputes Act, 1947, and the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (2) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,— *vide* GOVERNMENT GAZETTE notification No. ID/RK/203-A/19326, dated 25th June, 1971 :—

Whether the termination of services of Sh. Jagdish Chander Jain was justified and in order? If not, to what relief is he entitled?

The position taken up by the management is that the applicant was employed as a Manager and not merely as a clerk and, therefore, he does not fall within the definition of a workman as given in section 2 (s) of the Industrial Disputes Act, 1947, and the reference is not valid on this ground. It is, further pleaded that the applicant absented himself from duty from 14th September, 1970, onwards without any intimation to the management and, therefore, he deemed to have abandoned his service. The pleadings of the parties gave rise to the following issues :—

- (1) Whether the applicant was serving as a Manager in the respondent concern and, therefore, he does not fall within the definition of workman ?
- (2) Whether the applicant was absent from 14th September, 1970, onwards without any intimation ?
- (3) If the above issue is not proved; whether the termination of services of Sh. Jagdish Chander was justified and in order ? If not, to what relief is he entitled ?

*Issue No. 1.*—Sh. Sunder Lal, proprietor of the respondent concern as well as his foreman Sh. Shiv Shanker have appeared as witnesses on behalf of the management. In rebuttal Sh. Jagdish Chander appeared as a witness in support of his case and he did not produce any other evidence. The management have relied upon a large number of documents copies of which have been marked Ex. M.W.1/1 to Ex. M.W.1/23 in which the applicant, Sh. Jagdish Chander has signed as a manager. The original of these documents were also brought in the Court at the time when the evidence was given. The management have also filed the original power of attorney which is said to have been executed in favour of the applicant to enable him to function as a Manager. This power of attorney is, however, in a torn condition and the signatures of the proprietor and the applicant are missing. It was explained that the portion containing the signatures of the proprietor has been torn off so that this power of attorney may not be misused. The applicant did not deny his signatures on the originals of Ex. M.W.1/1 to Ex. M.W.1/8, Ex. M.W.1/12, Ex. M.W.1/13, Ex. M.W.1/16, Ex. M.W.1/17, Ex. M.W.1/22 and Ex. M.W.1/23. He, however, explained that under the Factories Act it was essential that these documents should be signed by two persons and the proprietor told him to sign as a manager and assured him that a senior person would be appointed and then it would not be necessary for him to sign such documents. He further stated that his main job was to maintain the account books such as cash book ledger, stock register and excise register. He further says that he used to write the vouchers and carry on the correspondence. The version of the management is that they had employed a muneem for this purpose. In case the version of the workman had been correct then it should not have been difficult for him to get the original account books summoned so as to prove that his main job was to maintain the account books and that the documents produced by the management which show that he signed as a manager were only signed to please the proprietor and in fact he never acted as a manager. During the course of arguments the learned representative of the applicant explained that the management have destroyed the original registers and have made up new ones and, therefore, there was no point in making an application for summoning the account books. I am afraid it is not possible to accept this explanation unless there is some satisfactory evidence to prove this fact. The workman simply made an application for summoning the complete file of the respondent factory from the office of the Excise and Taxation Office in order to prove his case. Summons were issued as prayed and Sh. Kanshi Ram a clerk from the office of the Excise and Taxation Department appeared in response to the summons with the complete file. It was, however, in a sealed cover and the witness drew the attention of the Court to the provision of section 26 of the Punjab General Sales Tax Act. Sub-section (1) of section 26 provides that all particulars contained in any statement made, return furnished or documents produced in accordance with this Act or in regard to any evidence given in the course of any proceedings under this Act shall be treated as confidential and no court is entitled to require any office of the State Government to produce before it any such statement, return, account, documents or any part thereof or to give evidence before it in support thereof. In view of this provision Sh. Kanshi Ram was discharged and his evidence was not recorded. From the uncorroborated evidence of the workman that he maintained all the accounts it is not possible to hold that his main job was to act as an Accountant or a correspondence clerk in the absence of the relevant record. Large number of documents produced by the management support their case that the applicant was employed as a Manager and not as a clerk. I, therefore, find this issue in favour of the management.

*Issue No. 2.*—The applicant in his notice of demand has alleged that he has worked up to 28th October, 1970, while according to the allegation of the management in the written statement the workman worked only upto 14th September, 1970, and thereafter he absented himself without any intimation. In his evidence, however, Sh. Sunder Lal, proprietor of the respondent concern admitted that the applicant actually worked up to 28th September, 1970. In cross-examination he affirmed that there was not a single voucher in the hand of the applicant in the month of October. The applicant in his evidence has not even stated the date up to which he actually worked that is maintained the accounts and carried on the correspondence. As regards the assertion of the proprietor of the respondent concern that there is not a single voucher in the hand of the applicant in the month of October, the learned representative of the applicant during the course of arguments explained that the applicant continued working in the office of the respondent up to 28th October, 1970, but no written work was taken from him. It is not possible to accept this explanation also. In case the management wanted to keep the applicant in their service and as stated by the applicant his job was to maintain the accounts and carry on the correspondence then the management must have been taking some work from him. There was no point in keeping the applicant in service and not taking any work from him. I am, therefore, also not satisfied

that the version of the applicant that he continued in the service of the respondent up to 28th October, 1970, is correct. I accept the version of the respondent that the workman absented himself from duty from 28th September, 1970, onwards.

In view of my decision on issue No. 1 and 2, Issue No. 3 does not arise. The reference cannot be held to be valid and the applicant is not entitled to any relief. I give my award accordingly but make no order as to costs.

P.N. THUKRAL,

Presiding Officer,

Labour Court, Haryana, Rohtak.

Dated 3rd March, 1972

No. 360, dated Rohtak, the 6th March, 1972

Forwarded, in quadruplicate, to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes, Act, 1947.

P. N. THUKRAL,

Presiding Officer,

Labour Court, Haryana, Rohtak.

No. 2879-4Lab-72/9898.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish in following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Ametee Machine Tools (P) Ltd., Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK  
Reference No. 123 of 1971

Between

THE WORKMAN SHRI MOHINDER SINGH, C/O SHRI BHIM SINGH YADAV I-A/90, N.I.T.,  
FARIDABAD AND THE MANAGEMENT OF M/S AMETEE MACHINE TOOLS (P) LIMITED,  
FARIDABAD

Present.—Shri Bhim Singh, for the workman.

Shri B.S. Sapra, for the management.

#### AWARD

The following industrial dispute between the workman Shri Mohinder Singh and the management of M/s Ametee Machine Tools (P) Ltd., Faridabad, was referred to this Court for adjudication,—vide GOVERNMENT GAZETTE notification No. ID/FD/32-C/23118, dated 27th July, 1971 :—

Whether the termination of services of Shri Mohinder Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties for 9th September, 1971. The workman filed his statement of claim and the management filed their written statement. The case set up by the management is that on 26th and 27th August, 1970, the workman Shri Mohinder Singh along with other workers resorted to a tool down strike which was wholly unjustified and on the intervention of the Conciliation Officer this strike was called off on 21st November, 1970. It was further alleged that on 24th November, 1970, at 9-30 a. m. the workman Shri Mohinder Singh indulged in fighting with the new workers inside the plant and he also used obscene language and abused them and as these acts of workman constituted a serious misconduct under clauses 18(d), 18(aa) and 18(ae) of the Certified Standing Orders, he was charge-sheeted and directed to explain his position within 24 hours as to why disciplinary action should not be taken against him and he was also placed under suspension for a period of four days. It is alleged that the workman denied the allegations made against him and a domestic enquiry was ordered. It is also alleged that this enquiry was fixed for 30th November, 1970 at 1-30 p.m. in the administrative office of the respondent company. But the applicant failed to appear although he had received the intimation to a further notice for holding the enquiry was sent to him under registered cover and also under postal certificate but the workman refused to accept the said notice, therefore, *ex parte* proceedings were held against him. It was alleged that in the domestic enquiry, the guilt of the workman was fully established and so his dismissal was justified. The allegations made in the written statement necessitated a replication and so the case was adjourned to 29th September, 1971, for replication. On the date fixed nobody appeared on behalf of the management nor any intimation was received giving reasons for non-appearance. Under the provision of rule 22 of the rules framed under the Industrial Disputes (Punjab) Rules, 1958, if a party without good cause shown fails to attend or be represented then the Court is entitled to proceed further with the case as if the party had duly attended or had been represented. Since no good cause was shown for the absence of the management they were considered to be present. From the pleadings of the parties the only issue which arose was precisely the same as in the order of reference so the case was adjourned to 28th December, 1971. Although it was not necessary to give any further intimation to the management of the date fixed for evidence yet in the interest of justice an order was passed that the management be informed of the date fixed for evidence. On the date fixed Shri B.S. Sapra appeared on behalf of the management but did not bring any evidence although the notice issued to the management had been duly received by him. So there was no other alternative but to record the evidence of the workman in support of his case. The workman stated that he joined the respondent concern in 1966 and was

being paid at the rate of Rs 385 per mensem. He says that on 24th November, 1970, when he reported for duty he was given a charge-sheet Ex. W. 1. He sent a reply Ex. W. 2 under registered cover denying the charges and its acknowledgement is Ex. W. 3. The workman says that at the time of giving him the charge-sheet the proprietor of the respondent concern told him to submit his resignation otherwise a police case would be made against him and his whole life would be ruined. He says that in this connection he wrote a letter to the Station House Officer copy of which is Ex. W. 4 and the postal receipt is Ex. W. 5. He further says that a copy of this complaint was also sent to the Labour Commissioner. The workman further says that he was also placed under suspension for a period of four days and when he reported for duty on 28th duty was not given to him and in this connection he wrote a letter under registered cover to the management. The copy of this letter is Ex. W. 6 and the acknowledgement receipt is Ex. W. 7 and the postal receipt is Ex. W. 8. The workman says that he received the notice Ex. W. 9 from the Enquiry Officer and he asked for certain details,—vide his letter Ex. W. 10 which was sent under registered cover. Ex. W. 11 is the acknowledgement receipt and Ex. W. 12 is the postal receipt. The workman further says that thereafter he did not receive any further intimation from the Enquiry Officer nor did he receive any order of dismissal in writing but when he claimed wages through the Labour Inspector, the management intimated that he had been dismissed and thereafter he served a notice of demand on the management.

Shri Sapra who was present throughout when the evidence of the workman was being recorded did not cross examine the witness on the ground that he was not prepared with the case and requested for an adjournment so that he may be able to produce the Enquiry Officer and to prove the record of the enquiry. The management have not even filed the original record of the enquiry which is said to have been held against the workman. This oral submission was not accepted. The representative of the management then submitted an a formal application for setting aside the *ex parte* proceedings on the ground that he could not attend the Court on the previous hearing that is 29th October, 1970, due to, "inadvertant circumstances" beyond his control and issues were framed in his absence and the case adjourned to 28th December, 1971. It is further stated that the management could not bring any evidence on 28th December, 1971, because the issues framed by the Court were not known and the evidence of the workman was recorded despite the request of the management for an adjournment. A request was, therefore, made that the management be allowed to produce their evidence in the interest of justice. I am afraid it is not possible to accept this application. In the first place the learned representative of the management has not even stated what were the circumstances beyond his control under which he could not attend the Court on 29th October, 1971, and why no prior intimation of his inability to attend on the date fixed could not be given to the Court. Secondly if the learned representative of the management really could not attend on the date fixed then it was his duty to have inspected the file to know what orders had been passed and to make an appropriate application if needed. On the other hand the learned representative appeared to have ignored the date fixed by the Court and although he had been informed of the date fixed for the evidence yet he took no steps to find out what issues if any had been framed and what evidence he should produce. On the contrary he simply appeared on the date fixed and requested for an adjournment simply because it was not convenient to him to attend on the previous date and did not know on what point the evidence was required. No party can be permitted to take the proceedings of the Court so lightly. In my opinion there is not the slightest justification for reopening the case. The evidence of the workman stands un-rebutted and it is established by his evidence that the termination of his services was not justified. He is entitled to be reinstated with continuity of service and full back wages. I give my award accordingly no order as to costs.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

Dated 2nd March, 1972.

No. 361, dated Rohtak, the 6th March, 1972

Forwarded, in quadruplicate, to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 2878-4Lab-72/9900.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s South Punjab Electricity Corporation, c/o Rohtak Textile Mills Ltd., Rohtak.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 140 of 1971

Between

THE WORKMAN SHRI RATTAN LAL GOYAL, C/O RAM SARAN DASS PARAS RAM PATCH, ANAJ MANDI, ROHTAK, AND THE MANAGEMENT OF M/S SOUTH PUNJAB ELECTRICITY CORPORATION, C/O ROHTAK TEXTILE MILLS LTD., CIRCULAR ROAD, ROHTAK

Present.—

Nemo, for the workman.

Sri K. S. Bhatnagar, for the management.

## AWARD

Shri Rattan Lal Goyal was working as a Clerk in the respondent concern. His services were terminated on 30th November, 1970. He is aggrieved by reason of the termination of his services and this gave rise to an industrial dispute. Accordingly the Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (2) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—vide Government Gazette notification No. ID/RK/211-A/24519, dated 2nd August, 1971 :—

“Whether the termination of services of Shri Rattan Lal Goyal was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which the management filed their written statement. It was pleaded that the respondent company was carrying on the business of distributing electric energy to Rohtak town under the name and style of South Punjab Electricity Corporation Ltd. It is alleged that the name of the company was changed to Rohtak Textile Mills Ltd. The licence granted by the State of Punjab expired on 21st May, 1964 and the business of distributing the electric energy was taken over by the Punjab State Electricity Board. In order to finalise the work of evaluation of assets of the company taken over by the Punjab State Electricity Board the applicant was engaged in January, 1967 for completing the work of evaluation. It is alleged that this work came to an end on 30th November, 1970 and so the workman was offered one month pay in lieu of notice. It was also pleaded that the work of distributing the electricity for which the respondent company was incorporated had been taken over by the Government and the applicant had been appointed only for the purpose of winding up the affairs of the company, it could not be said that the respondent company was carrying on any industry and, therefore, the reference was invalid on this ground. It was also pleaded that the respondent concern falls under the Shops and Commercial Establishment Act, 1958 and so the dispute could not be referred to this Court for adjudication. The pleadings of the parties gave rise to the following issues :—

1. Whether the applicant Shri Rattan Lal was engaged temporarily only for finalising the accounts, and this activity can not be said to be an industry and, therefore, the reference is invalid ?
2. Whether the reference is also invalid because the respondent establishment would fall under the Shops and Commercial Establishment Act, 1958 ?
3. Whether the termination of services of Shri Rattan Lal was justified and in order ? If not, to what relief is he entitled ?

**Issue No. 1.**—There is no denying the fact that the respondent company was carrying on an industry and even the winding up activities would fall within the definition of industry. Till the undertaking is completely closed down it cannot be said that the persons in the services of the company would cease to fall within the definition of a workman. I, therefore, find this issue in favour of the workman.

**Issue No. 2.**—There is no force in the objection that the respondent company falls under the Shops and Commercial Establishment Act, 1958 and for this reason the dispute could not be referred for adjudication to this Court. I find this issue also in favour of the workman.

**Issue No. 3.**—Shri Dhanpat Rai, Assistant Secretary of the respondent concern has been examined as M.W. 1. He has stated that the distribution of the electricity was taken over by the Punjab State Electricity Board on 21st May, 1964 and the office of the respondent company was shifted to Model Town for the purpose of finalisation of the accounts. He has stated that the applicant was appointed on 9th February, 1965 for the purpose of winding up the affairs of the respondent company and the accounts were finalised on 30th November, 1970 and therefore no new hand has been appointed in place of the applicant. Shri Dhanpat Rai has not been cross-examined at all. It means that the statement given by him on questions of fact have not been challenged by the workman. The workman in his statement rather admitted that whatever the Assistant Secretary had stated was correct. The workman did not produce any evidence in rebuttal. The workman did not even appear at the time the arguments were heard. An application was, however, received later on behalf of the workman in which it is stated that his representative could not attend the Court on the date fixed for evidence and, therefore, the witness of the management could not be cross-examined and no arguments could be advanced on the next day because the workman could not manage to bring his authorised representative or make some other alternative arrangements at such a short time and, therefore, he could not even attend on the next day. It was, therefore, prayed that it would not be in the interest of justice, equity and good conscience if the workman is allowed an opportunity to cross-examine the management witness, lead his own evidence and advance arguments in support his case. In my opinion there is no sufficient reason for re-opening the case. It is not even alleged on behalf of the workman that the stand taken up by the management that the applicant was engaged for the purpose of winding up the affairs of the respondent company is not correct or that a new hand has been engaged after wrongfully terminating the services of the applicant. Since the applicant had been in continuous service of the respondent for a period of four years, the representative of the management has made a statement that the management would be prepared to give retrenchment compensation to the applicant under the provisions of section 25 FFF and this compensation would amount to two months salary in addition to one month salary in lieu of notice. Under these circumstances



I am of the opinion that the interest of justice would not be served by re-opening the case and the only relief to which the applicant is entitled is three months salary. According to the evidence of Shri Dhanpat Rai, Assistant Secretary the applicant was being paid at Rs 6.50 per day in the year 1970. I, therefore, hold that the applicant is entitled to Rs 585 on account of retrenchment compensation and notice pay. There was no justification for depriving the workman of his retrenchment compensation and forcing him to take recourse to law. A workman has to go through a long procedure in order to get his dispute referred for adjudication. I am, therefore, of the opinion that a compensation amount to Rs 650 in all would meet the ends of justice. I give my award accordingly. No order as to costs.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

Dated 3rd March, 1972.

No. 359, dated Rohtak, the 6th March, 1972

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 2880-Lab-72/9904.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to Publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Associated Engineering Industries, Mathura Road, Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK  
Reference No. 72 of 1971

Between  
THE WORKMAN SHRI DHARAMBIR C/O GENERAL ENGG. MAZDOOR UNION (REGD.)  
(INTUC), N.I.T., FARIDABAD AND THE MANAGEMENT OF M/S ASSOCIATED ENGG.  
INDUSTRIES, MATHURA ROAD, FARIDABAD

Present—Shri Amar Singh, for the workman.  
Shri H.R. Dua, for the management.

#### AWARD

The following industrial dispute between the workman Shri Dharambir and the management of M/s Associated Engg. Industries, Mathura Road, Faridabad, was referred to this Court for adjudication—*vide* Government Gazette Notification No. ID/FD/634-A/18517, dated 16th June, 1971—

“Whether the termination of services of Shri Dharambir was justified and in order? If not; to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties for 22nd July, 1971. This date was changed to 8th September, 1971 because the respondent made a request for adjournment on the ground that he had met with an accident and unable to attend the Court or to prepare the case. The representative of the workman supported this application. The proprietor of the respondent noted this date but he did not appear on the adjourned date nor did he make any arrangement to send an authorised representative. On the contrary again made a written request for another adjournment on the ground that he was suffering from Jaundice. This latter was not brought to the notice of the Court by the office and since nobody appeared on behalf of the respondent the workman was directed to produce *ex parte* evidence in support of his case on 28th October, 1971. At the request of the representative of the workman this date was changed to 18th November, 1971. In the mean time another application was received by post in which a prayer was made that the respondent could not attend on 28th October, 1971 as he was ailing and was admitted in the hospital and so his non-appearance was not intentional. On 18th November, 1971 Shri H.R. Dua an authorised representative appeared for the first time on behalf of the respondent. Since the application for setting aside the *ex parte* proceedings was vague in as much as it was not mentioned as to when the respondent fell ill and was admitted in the hospital and when he was discharged from the hospital after being declared fit. The representative of the respondent was directed to give the necessary clarifications. The representative of the management attended on the next date and submitted in writing that the respondent had met with an accident on 6th April, 1971 and was discharged from the hospital on 4th June, 1971 but had to attend the hospital regularly and remained confined to bed till 1st November, 1971 and was not in a position to attend the Court on this account. The personal presence of the respondent was never required and the reason as to why no arrangements could be made to send an authorised representative earlier were not explained. Since the case was already fixed for the evidence of the workman so his evidence was recorded. The representative of the respondent was given an opportunity to cross-examine the workman but he did not avail of it and so the statement of the workman was closed. The representative of the respondent requested that his application for setting aside the *ex parte* proceedings should first be decided before the case is disposed off. So a copy of the application for setting aside the *ex parte*



proceedings was given to the representative of the workman and the case was adjourned to 27th December, 1971 for filing of the reply. On the date fixed the reply was filed. Since the workman was also present on the date fixed still another opportunity was given to the representative of the respondent to cross-examine him if he so desired but still he did not avail of the opportunity and insisted that his application for ex parte proceedings be decided.

After carefully considering the allegations made in the application for setting aside the ex parte proceedings I am of the opinion that even if all that is stated in the applicant is admitted to be true, there is no explanation as to why the respondent could not submit his written statement by post if he was unable to attend in person or arrange to be represented through an authorised representative. Once an adjournment had already been given to him on his request from 22nd July, 1971 to 8th September, 1971. In case the respondent was still not able to attend he could not continue making requests by post for an indefinite postponement of the case on the ground of his illness. The provisions of 36 of the Industrial Disputes Act, 1947 lay down that the parties are entitled to be represented by the persons as named therein and if in fact the respondent was unable to appear in person it does not necessarily follow that he was unable to send an authorised representative. As already pointed out it is not the case of the respondent that he could not even arrange to send an authorised representative. It can not, therefore, be said that there was any sufficient cause for the respondent for not being represented on 8th September, 1971 and so there was no reason to set aside the ex parte proceedings.

The evidence of the workman was recorded in the presence of the representative of the respondent but for reasons best known to him he did not avail of the opportunity to cross-examine the workman. It would not, therefore, be correct to say that the respondent was not permitted to take part in the proceedings.

The workman has stated on oath that he joined the respondent concern on 19th January, 1965 as helper at Rs 75 per month and his services were terminated on 16th January, 1971 without giving him any charge sheet or holding any enquiry. He has further stated that during the conciliation proceedings the proprietor of the respondent concern Shri Vijay Batra used to attend and since the termination of his services he has not been able to find any alternative job and is sitting at home. Since this evidence stands un-rebutted, I hold that the termination of the services of the workman was not justified and in order and is entitled to be re-instated with continuity of service and full back wages. I give my award accordingly. I make no order as to costs.

Dated the 2nd March, 1972

P.N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak

No. 362 Rohtak, the 6th March, 1972

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employments Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 2908-4Lab-72/9912.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the disputes between the workman and the management of M/s Indian Aluminium Cables Ltd; 12/1, Mile Stone, Mathura Road Faridabad.

BEFORE SHRI O. P. SHARMA PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 11 of 1972

Between

THE WORKMAN AND THE MANAGEMENT OF M/s INDIAN ALUMINIUM  
CABLES LTD., 12/1, MILE STONE, MATHURA ROAD, FARIDABAD.

Present :—

Shri Surinder Singh, for the workmen.

Shri O. P. Tyagi, for the management.

#### AWARD

The workmen of M/s Indian Aluminium Cables Ltd; 12/1, Mile Stone, Mathura Road, Faridabad had gone on strike and there was an allegation of go slow also against them in the discharge of their duties. They were not paid their wages for the months of July and August, 1971 which gave rise to an industrial dispute. They gave the demand notice to the management whereupon conciliation proceedings were initiated but without any success.

On receipt of the failure report from the Labour-Cum-Conciliation Officer, Faridabad, the Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication,—*vide* order No. ID/FD/181-F-71/4267, dated 7th February, 1972.

Whether the workers whose names were borne on the muster roll of the factory in the month of July, 1971 are entitled to wages for the month of August, 1971 and subsequent period till they have been allowed to resume duties? If so, with what details?

On receipt of the reference, usual, notices were given to the parties and they were required to put in their respective written statements. Shri Surinder Singh one of the concerned workmen has appeared for the workmen and Shri O. P. Tyagi, Personnel Officer, for the management. They have both urged that a settlement has been arrived at between the parties and there is now no dispute left. Their statements have been recorded. According to them out of the workmen who were on the rolls of the establishment on 1st July, 1971 only 27 were actually working on the date of the reference i.e. 7th February 1972. Of these 27 four workmen did not participate in the strike and as such full wages were payable to them and the same have been paid. As per mutual settlement 15 of the remaining workmen were paid wages as per details given in Ex. M.W. 1/1. The rest of the workmen including Shri Surinder Singh were found not entitled to any wages as they were on strike and go slow. Sarvshri Jagdish Singh General Secretary of that Indian Aluminium Cables Workers Union who gave the demand notice leading to the present reference as also the President of the union Shri Ved Parkash have left for their native place in U.P. and have not come forward with any statement of claim. All the remaining workmen have resumed their duties on the basis of the above settlement. They have now no dispute with the management.

In view of the above, a no dispute award is given in the case as desired by the parties. In the circumstances, there shall be no order as to costs.

Dated 7th March, 1972.

O. P. SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 289, dated 7th March, 1972

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated 7th March, 1972

O. P. SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 2909-4Lab-72/9916.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Textile Officer, Marketing and Development, Haryana, 607-L, Model Town, Panipat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD

Reference No. 62 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S TEXTILE OFFICER (MARKETING AND  
DEVELOPMENT) HARYANA, 607-L, MODEL TOWN, PANIPAT.

Present :—

Shri Onkar Parshad for the workmen.

Shri Tej Bhan Supervisor with Shri Mool Chand. Aggarwal, Assistant District Attorney, Gurgaon  
for the management.

AWARD

The workmen of M/s Textile Officer (Marketing and Development Haryana) 607-L, Model Town, Panipat, raised a number of demands as per the Charter of Demands dated 6th March, 1970 which were not conceded by the management and on receipt of the failure report from the Labour-Cum-Conciliation Officer, Panipat, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of

section 10 of the Industrial Disputes Act, 1947, referred for adjudication one of those demands, —*vide* order No. ID/176652-56, dated 8th June, 1971, the term of reference being as given under :—

Whether the workmen should be confirmed after the completion of 13 months continuous service ?  
If so, with what details ?

On receipt of the reference, notices were given to the parties. The statement of claim on behalf of the workmen was filed on 2nd July, 1971 contending that Sarvshri Mehar Chand, Rishi Ram, Babu Ram, Atma Ram, Amar Singh, Darya Singh, Ram Kishan, Sita Ram, Dharam Singh, Jasa Ram, Ganga Singh and Jagir Singh had been working in this establishment for a number of years but the management had not confirmed them which was necessary. It was further urged that the workman who were newly recruited should also be confirmed after completing 13 months of service.

The management,—*vide* written statement, dated 29th September, 1971 disputed the above claim of the workmen on the ground that they belonged to the contingent paid staff employed on work charged basis and as such the question of their confirmation did not arise.

From the pleadings of the parties, the only issue that arose for determination in the case was as per the terms of reference given above.

“Whether the workmen should be confirmed after the completion of 13 months continuous service ?  
If so, with what details ?

The oral evidence produced in the case consists of the testimony of only two witnesses, one examined by the management and the other on behalf of the workmen. Shri Tej Bhan, Supervisor of the establishment concerned has appeared as M.W. 1 and stated that the 13 workmen concerned are not regular employees nor do they work continuously and that they are paid only for the days they actually work. He has produced some relevant registers including the Attendance register, Wages register and the E.S.I. register of the concerned workmen from 1967 onwards. In cross-examination he has admitted that the names of all these workers excluding Sarvshri Dharam Singh and Jasa Ram appeared in the attendance register for 1965 also. He has further admitted the initials of Shri J.L. Sikha Finisher of the management in the remarks column of the Leave Books in form No. 16 Ex. W-1, Ex. W-2, Ex. W-3, Ex. W-4 for the years 1961-62 shown on behalf of the workmen. The witness has further admitted that the workmen are paid the minimum wages prescribed by the Government and they are also entitled to the benefits under the Provident Fund and Employees State Insurance Schemes.

Shri Barkat Ram one of the workmen coming into the witness box as W.W. 1 has deposed that the present claimants have been in continuous service for about 20 years but the management has refused to confirm them while other workmen have been confirmed.

Arguments have been addressed on both sides and I have given a careful consideration to the material on record and the contentions of the learned representatives of the parties. There is no denying the fact that all the present claimants have been in continuous service for a number of years, according to the statement of Shri Tej Bhan M.W. 1 for more than two years and according to the contention raised on behalf of the workmen for atleast more than 10 years. From a perusal of the Attendance and Wages Registers produced by the management, it is clear that all these workmen have been marked present continuously on all the days of the month except in the case of those who happened to be on leave on some particular days. It is further common ground between the parties that they are not paid their wages daily but at the conclusion of the month and invariably before the 7th day of the succeeding month. They have also been given the benefits of the Provident Fund and E.S.I. schemes. Taking into consideration all these facts, I, do not see any reason why these workmen who have been in the service of the establishment for a number of years should not be treated as permanent workers as in the case with the other kind of the workers in the establishment. They are entitled to the minimum wages prescribed by the Government and according to the testimony of M.W. 1 the minimum wages are being paid to them. Besides the other benefits, mentioned above they have been entitled to the benefits of the leave rules also. I have not been referred to any rule or law which comes in the way of their being confirmed and treated as permanent workers. That the Department has not taken up their case for confirmation so far as no ground to deprive them of this advantage for all times to come. The establishment where they are working is engaged in an industry of a permanent nature and not doing merely casual work. They are required to work for all the working hours and on all the working days in a month. They are not part time employees. They should have some sense of security about their services which they can have only if they know that the jobs against which they are working are of permanent nature. The management has not brought on record the appointment orders of these workmen or any other documentary evidence to show that they were never to be treated as permanent workmen nor has it been indicated as to what is the hitch in making them permanent now and how the establishment is going to suffer by acceding to their above demand which is just and reasonable. After a workman has put in 13 months of service the management is in a position to assess his permanance and if the same is found to be satisfactory, there is apparently no reason why he should not be given the assurance and security of being treated as a permanent workman.

So, for the reasons aforesaid, I find the claim of the workmen to be well founded. The issue, the subject matter of the reference, is decided in their favour and the award is made accordingly with the direction that the workmen should be confirmed after the completion of 13 months continuous service from the date/dates of their joining; and after confirmation they should be entitled to all the benefits due to the permanent workmen under the rules. The above direction shall be given effect to from the date of the present reference i.e. 14th June, 1971. In the circumstances, there shall be no order as to costs.

The 7th March, 1972.

O. P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 288, dated 7th March, 1972

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated 7th March, 1972.

**TOWN AND COUNTRY PLANNING DEPARTMENT, HARYANA**

of Haryana is pleased to make the following amendment with immediate effect:—

The 2nd March, 1972

No. 366-8DP-72/1046—In partial modification of the Haryana Government Notification No. 10510-IDP-71/4047, dated 24th September, 1971, the Governor

In paragraph 3 of the aforesaid notification, the word 'monthly' shall be substituted by the word 'quarterly'.

The 13th March, 1972

No. LAC(P)NTLA 72/5018. — Whereas it appears to the Governor of Haryana that land is likely to be needed by the Government at Public expense, for a public purpose, namely, for planned development in the area of Village Jalal Pur Khurd, Tehsil and District Jind, it is hereby notified that the land described in the specification below is required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

Plans of the land may be inspected in the offices of the following :—

1. Director, Urban Estates, Kothi No. 231, Sector 18-A, Chandigarh.
2. Deputy Commissioner, Jind.
3. Land Acquisition Collector, (Panchkula), Urban Estates, Kothi No. 237, Sector 18-A, Haryana, Chandigarh.
4. Tehsildar Jind.

In exercise of the powers conferred by the aforesaid section the Governor of Haryana, is pleased to authorise the officers for the time being engaged in the under taking with their servants and workmen to enter upon and to survey any land in the locality and to do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality file an objection in writing before the Land Acquisition Collector, (Panchkula), Kothi No. 237, Sector 18-A, Haryana, Chandigarh.

**SPECIFICATION**

District	Tehsil	Locality/ Village	Hadbast No.	Area in Acres	Rect No.	Description Killa No.
Jind	Jind	Jalal Pur-	14	25.53	45	1, 2, 3, 4, 5, 6, 7, 8/1, 8/2, 9/1, 9/2, 10/1, 10/2, 11, 12, 13/1, 13/2, 14, 15, 16/1, 17, 18/1, 18/2, 19, 20, 21, 22, 23/1, 23/2, 24, 25, 25/1.
					46	1, 2/1, 10/2, 11/1, and Khasra No. 159 Min.

M. L. BATRA, Secy.